8. *Power to make rules.*—(1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

THE SCHEDULE.

[*See* section 6.]

In the Code of Criminal Procedure, 1898 (Central Act V of 1898),—

(1) in sub-section (1) of section 99-A after the words " appears to the State Government to contain ", the words " in relation to any judicial proceeding, any indecent or obscene matter, or any indecent or obscene details, which would be calculated to injure public morals, or " and after the words " that is to say ", the words, brackets, letter and figures " any matter referred to in clause (*a*) of sub-section (1) of section 3 of the Madras Judicial Proceedings (Regulation of Reports) Act, 1960, or " shall be inserted;

(2) in section 99-B and in sub-section (1) of section 99-D, for the words " seditious or other matter ", the word " matter " shall be substituted.

APPENDIX III.

[Vide item IV (2) on page 51 supra.]

L.A. BILL No. 7 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, in their application to the State of Madras.

WHEREAS it is expedient further to amend the Indian Penal Code (Central Act XLV of 1860), and the Code of Criminal Procedure, 1898 (Central Act V of 1898), in their application to the State of Madras, for the purposes hereinafter appearing;
BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title and extent.*—(1) This Act may be called the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Act, 1960.

(2) It extends to the whole of the State of Madras.

2 *Amendment of section* 292—*Central Act XLV of* 1860.—In section 292 of the Indian Penal Code (Central Act XLV of 1860) (hereinafter referred to as the said Code), for the words ' shall be

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punished with imprisonment of either description for a term which may extend to three months or with fine or with both ', the following shall be substituted, namely :—

" shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both :

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine."

3. *Insertion of new section 292-A in Central Act XLV of* 1860.—After section 292 of the said Code, the following section shall be inserted, namely :—

" 292-A, *Printing, etc., of grossly indecent or scurrilous matter or matter intended for blackmail.*—Whoever—

(*a*) prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view or distributes or causes to be distributed or in any manner, puts into circulation any picture or any printed or written document which is grossly indecent, or is scurrilous or intended for blackmail, or

(*b*) sells or lets for hire, or for purposes of sale or hire makes, produces or has in his possession, any picture or any printed or written document which is grossly indecent or in scurrilous or intended for blackmail, or

(*c*) conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for backmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire, distributed or publicly exhibited or in any manner put into circulation, or

(*d*) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased, or

(*e*) advertises or makes known by any means whatsover that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail can be produced from or through any person, or

(*f*) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine.

Explanation I.—For the purposes of this section, the word "scurrilous" shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure any person:

Provided that it is not scurrilous to express in good faith anything whatever respecting the conduct of—

(i) a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further; or

(ii) any person touching any public question, and respecting his character, so far as his character appears in that conduct and no further.

Explanation II.—In deciding whether any person has committed an offence under this section, the court shall have regard, *inter alia*, to the following considerations:—

(*a*) the general character of the person charged, and where relevant, the nature of his business;

(*b*) the general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;

(*c*) any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section."

4. *Amendment of section* 293, *Central Act XLV of* **1860.—In** section 293 of the said Code—

(i) for the words "any such obscene object as is referred to in the last preceding section", the words, figures and letter "any such obscene object as is referred to in section 292 or any such newspaper, periodical, circular, picture or other printed or written document, as is referred to in section 292-A" shall be substituted;

(ii) for the words "which may extend to six months", the words "which may extend to three years" shall be substituted;

(iii) in the marginal note, after the words "obscene objects", the words "and grossly indecent or scurrilous matter or matter intended for blackmail" shall be inserted.

5. *Amendment of Central Act V of* 1898.—In the code of Criminal Procedure, 1898 (Central Act V of 1898).—

(i) in sub-section (1) of section 521, after the word and figures "section 292", the word, figures and letter "section 292-A" shall be inserted;

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(ii) in Schedule II, for the entries relating to sections 292 and 293, the following entries shall be substituted, namely :—

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
292	Sale, etc., of obscene books, etc.	Ditto.	Warrant.	Ditto.	Ditto.	Imprisonment of either description for two years or fine, or both.	Presidency Magistrate or Magistrate of the first class.
292-A	Printing, sale, etc., of grossly indecent or scurrilous matter or matter intended for blackmail.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
293	Sale, etc., of obscene objects.... grossly indecent, or scurrilous matter or matter intended for blackmail to young persons.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description or three years or fine, or both.	Ditto.

APPENDIX IV.

[Vide item IV (3) on page 54 supra.]

L.A. BILL No. 17 OF 1960.

(As passed by the Assembly.)

A Bill to extend certain laws to the transferred territory in the State of Madras.

WHEREAS it is expedient to provide that certain laws should be extended to, and by virtue of such extension should be in force in, the transferred territory in the State of Madras.

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras (Transferred Territory) Extension of Laws Act, 1960.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " existing law " means any law, Ordinance, proclamation, regulation, order, by-law, or rule passed or made before the date of the commencement of this Act by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule;

(*b*) " transferred territory " means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.